

FINDINGS

Genwal Coal Company Inc.
Crandall Canyon Mine
Application for Permit and Mining and Reclamation Plan (MRP)

In accordance with 30 CFR 786.19 and subject to the applicant's compliance with the stipulations in the permit, the following findings have been made:

- I. The State of Utah and the Office of Surface Mining (OSM) have determined that the MRP submitted on April 4, 1979 and updated through August 3, 1982 and the permit with stipulations are accurate and complete and comply with the requirements of the conditionally approved Utah State Program, the Surface Mining Control and Reclamation Act (SMCRA), and the Federal Lands Program including the Mineral Leasing Act. UMC 786.19(a)
- II. The Utah Division of Oil, Gas and Mining (UDOGM) and the OSM have jointly reviewed the permit application and MRP. UDOGM has prepared the Technical Analysis (TA) and OSM has prepared the Environmental Analysis (EA). OSM has independently reviewed the TA, incorporated documents, and based on this, has made the following findings:

1. The applicant has demonstrated that surface coal mining and reclamation operations (as defined in 30 CFR 700.5), as required by SMCRA, the conditionally approved Utah State Program, and the Federal Lands Program, may be feasibly accomplished under the mining and reclamation operations plan contained in the application. UMC 786.19(b); [TA pages 30-32].
2. The probable cumulative hydrologic impact assessment (PCHIA) of all existing and anticipated mining by surface coal mines in the general area indicates that little or no negative impacts will occur to the groundwater in the region.

The underground operations proposed under the application have been designed to prevent damage to the hydrologic balance in associated off-site areas. UMC 786.19(c); [TA, page 5.]

3. After reviewing the description of the proposed permit area, Utah Division of Oil, Gas and Mining and OSM determined this area is:
 - a. Not included within an area designated unsuitable for surface coal mining operations. UMC 786.19(d)(1) [State Findings page 1.]
 - b. Not within an area under study for designation lands unsuitable for surface coal mining operations. UMC 786.19(d)(2) [See MRP pages 6, 7, and 12-15.]
 - c. Not on any lands subject to the prohibitions or limitations of 30 CFR 761.11(a) (national parks, etc.), 761.11(f) (public buildings, etc.), and 761.11(g) (cemeteries). UMC 786.19(d)(3); [See MRP pages 6, 7, and 12-15.]
 - d. Within 100 feet of the outside right-of-way of a public road. UMC 786.19(d)(4); [See MRP page 2.]
 - e. Not within 300 feet of any occupied dwelling. UMC 786.19(d)(5); [See MRP page 2.]

4. OSM's issuance of a permit and the Secretarial decision on the Mineral Leasing Act plan are in compliance with the National Historic Preservation Act and implementing regulations (36 CFR 800). UMC 786.19(e); [State Historic Preservation Officer concurrence letter.]
5. The applicant has the legal right to enter and begin surface mining activities in the permit area. UMC 786.19(f); [See MRP pages 6, 10, 11 and U.S. Forest Service Concurrence Letter.]
6. The applicant has submitted proof and OSM's records indicate that there have been no prior violations of applicable law and regulations. UMC 786.19(g); [Permit application, Chapter II, page 6; personal communication with Jodie Merriman, OSM Reclamation Specialist, in OSM Albuquerque Field Office on November 2, 1982.]
7. OSM's records confirm that the applicant is not negligent in payment of fees for the Abandoned Mine Reclamation Fund. UMC 786.19(h); [Personal communication with John Sender, OSM Fee Compliance Officer, in OSM Albuquerque Field Office on October 12, 1982.]
8. OSM records show that the applicant does not control and has not controlled mining operations with a demonstrated pattern of willful violations of the Act of such nature, duration, and with such resulting irreparable damage to the environment as to indicate an intent not to comply with the provisions of the Act. UMC 786.19(i); [Personal communication with Jodie Merriman, Fee Compliance Officer, in OSM Albuquerque Field Office on October 13, 1982.]
9. Surface coal mining and reclamation operations to be performed under the permit will not be inconsistent with the Huntington #4 mine in the vicinity of the Crandall Canyon Mine. UMC 786.19(j); [State findings, page 1.]
10. The analyses completed by Utah Division of Oil, Gas and Mining and OSM show that the bond amount will be adequate. The applicant must post the performance bond required under the Act, the approved State program, and the Federal Lands Program prior to permit issuance. The bond must be made payable to both the United States and the State of Utah in the amount of \$135,374.78, 30 CFR 742.12(b); UMC 786.19(k); [State Findings, page 2.]
11. The applicant has provided evidence and the Utah Division of Oil, Gas and Mining has found there are no prime farmlands in the permit area and area for life-of-mine. UMC 786.19(e); [Letter of negative determination from Soil Conservation Service and U.S. Forest Service, EA, page 2.]
12. Negative alluvial valley floor determinations have been made for the drainages in the proposed permit area and area for life of mine. UMC 786.19(l); [State findings page 2.]
13. The proposed postmining land use of the permit area has been approved by the Utah Division of Oil, Gas and Mining, U.S. Forest Service and OSM. UMC 786.19(m); [Letter of concurrence from U.S. Forest Service; State findings, page 1.]

14. Utah Division of Oil, Gas and Mining and OSM have made all specific approvals required by the Act, the approved Utah State program and the Federal lands program. UMC 786.19(n); [Summary of Findings, page 6 and State findings, page 1.]
15. The proposed operation will not affect the continued existence of threatened or endangered species or result in the destruction or adverse modification of their critical habitats. UMC 786.19(o); [Letter from U.S. Fish and Wildlife Service and NEPA compliance document.]
16. Procedures for public participation have complied with requirements of the Act, the approved Utah State program, the Federal lands program, and Council on Environmental Quality regulations (40 CFR Part 1500 et seq.). (30 CFR 741.21(a)(2)(ii); Chronology of Events.)
17. The applicant has complied with all other requirements of applicable Federal laws and either have or have applied for permits from Environmental Protection Agency and (30 CFR 741.17(d); Letters of Concurrence; (State Findings page 3.)

William J. Kovari
Chief, Mine Plan Review Branch

Allen D. Klein
Administrator
Western Technical Center

Headquarters Reviewing Officer

FINDINGS DOCUMENT

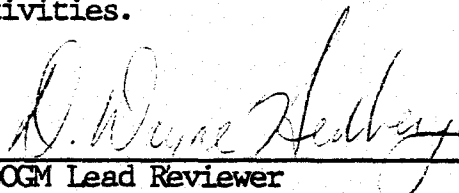
Genwal Coal Company, Inc.
Grandall Canyon Mine
ACT/015/032, Emery County, Utah

1. The plan and the permit application are accurate and complete and all requirements of the Surface Mining Control and Reclamation Act, the approved Utah State Program and the Federal Lands Program, including the Mineral Leasing Act, have been complied with.
2. The operator has demonstrated that underground coal mining and reclamation operations, as required by the Act, the approved State Program and the Federal Lands Program, can be feasibly accomplished under the mining and reclamation operations plan contained in the application. Revegetation has been proven successful on coal mined lands in several test areas located throughout the State of Utah. The Energy Minerals Rehabilitation Inventory Analysis (EMRIA) study, a joint effort by the U. S. Department of Agriculture (USDA) and the U. S. Environmental Protection Agency (EPA) provides documentation of successful revegetation on these areas and should be referred to for more specific information (786.19[b]).
3. The assessment of the probable cumulative impacts of all anticipated coal mining in the general area on the hydrologic balance has been made by the Office of Surface Mining and the Utah Division of Oil, Gas and Mining (see Cumulative Hydrologic Impact Section, attached to this document).
4. The proposed permit area is not included within or on:
 - A. an area designated unsuitable for underground coal mining activities (see MRP, pages 6, 7, 12-15); or
 - B. an area under study for designation as unsuitable for underground coal mining activities in an administrative proceeding begun under UMC 764, 30 CFR 765, or 769 (see MRP, page 6, 7, 12-15); or
 - C. any lands subject to the prohibitions or limitations of UMC 761.11(a), (f) or (g) (national parks, public buildings, cemeteries, etc.); or
 - D. within 100 feet of the outside right-of-way line of a public road, however, the conditions of UMC 761.12(d) have been met (see TA, page 2, Introduction); or
 - E. within 300 feet from any occupied dwelling, except as provided for in UMC 761.11(e) and 761.12(e).

5. The proposed operations will be in compliance with the National Historic Preservation Act and implementing regulations (36 CFR 800) (UMC 786.19[e]). See concurrence letter from the Utah SHPO dated August 8, 1980 and OSM memorandum from Foster Kirby dated April 17, 1981 (attached to Item V, revised MRP, page 44).
6. The applicant has the legal right to enter and begin underground activities in the permit area through two Federal leases: SL-062648 and SL-050655 (786.19[f]) (see MRP, page 6, 10, 11).
7. The applicant states that no prior violations of applicable law and regulations have occurred (786.19[g]) (see MRP, page 6).
8. The applicant has paid no Abandoned Mine Reclamation Fund fee, since the mine is still undeveloped (786.19[h]).
9. The applicant does not control and has not controlled mining operations with a demonstrated pattern of willful violations of the Act of such nature, duration and with such resulting irreparable damage to the environment as to indicate an intent not to comply with the provisions of the Act (786.19[i]) (see MRP, page 6).
10. Underground coal mining and reclamation operations to be performed under the permit will not be inconsistent with other such operations anticipated to be performed in areas adjacent to the proposed permit area (786.19[j]).
11. A detailed analysis of the proposed bond had been made. The DOGM has made appropriate adjustments to reflect costs which would be incurred by the State, if it was required to contract the final reclamation activities for the minesite. The bond would be payable to both the United States and the State of Utah. The bond shall be posted (786.19[k]) with DOGM prior to final permit issuance or before any construction may begin (bond estimate attached to TA document).
12. The applicant has, with respect to both prime farmland and alluvial valley floors, obtained either a negative determination or satisfied the requirements of 30 CFR 785.17 and 785.19 (see Topsoil Section of TA and Alluvial Valley Floor Section of TA).
13. The proposed postmining land-use of the permit area has been approved by the Division in accordance with the requirements of UMC 817.133 (see Land-Use Section of TA).
14. The Division and OSM have made all specific approvals required under the Act, Subchapter K of this Chapter and the Federal Lands Program.
15. The Division and OSM have found that the activities will not affect the continued existence of endangered or threatened species or result in the destruction or adverse modification of their critical habitats (see Revegetation and Fish and Wildlife sections of the TA).

16. All procedures for public participation required by the Act, and approved Utah State Program, the Federal Lands Program and Council on Environmental Quality Regulations (40 CFR Part 1500 et seq.) have been complied with (741.21[a][2][ii]).

Prior to the permit taking effect, the applicant must forward a letter stating its compliance with the special stipulations in the permit and post the performance bond for reclamation activities.



DOGM Lead Reviewer



Coordinator of Mined Land Development